

MINUTES
of the
THREE-HUNDRED-FIFTEENTH MEETING
of the
LEGISLATIVE COUNCIL
May 5, 2008
Santa Fe

The three-hundred-fifteenth meeting of the Legislative Council was called to order by Speaker Ben Lujan, co-chair, on Monday, May 5, 2008, at 10:30 a.m. in Room 307 of the State Capitol.

Present

Representative Ben Lujan, Co-Chair
Senator Carlos R. Cisneros
Senator Kent L. Cravens
Senator John T.L. Grubescic
Senator Stuart Ingle
Representative Rhonda S. King
Representative W. Ken Martinez
Representative Rick Miera
Senator Leonard Lee Rawson
Representative Thomas C. Taylor
Representative Jeannette O. Wallace

Special Advisory Members Present

Representative Janice E. Arnold-Jones
Representative Donald E. Bratton
Senator Dianna J. Duran
Senator Mary Jane M. Garcia
Representative Antonio Lujan
Representative James Roger Madalena
Senator Cisco McSorley
Senator Lidio G. Rainaldi
Senator John Arthur Smith
Senator H. Diane Snyder
Representative Peter Wirth

Absent

Senator Timothy Z. Jennings, Co-Chair *
Senator Pete Campos
Representative Daniel R. Foley
Senator Michael S. Sanchez
Representative Sheryl Williams Stapleton

Special Advisory Members Absent

Senator Steven P. Neville
Representative Al Park

* Senator Jennings participated via telephone for a portion of the meeting.

Staff

Paula Tackett, Director, Legislative Council Service (LCS)
Raúl Burciaga, Assistant Director for Drafting Services, LCS

Kathy Pacheco-Dofflemeyer, Assistant Director for Administration, LCS
John Yaeger, Assistant Director for Legislative Affairs, LCS
Aldis Philipbar, Research Assistant, LCS

Monday, May 5

On a motion made, seconded and unanimously approved, the minutes of the January 14, 2008 meeting were approved as submitted.

Interim Committees

Ms. Tackett explained that in each member's folder was a committee packet that included a committee list from the last interim and an attendance list, including a proposed interim focus for each committee, or one requested by the co-chairs, and an attendance list. She reminded the council that in even-numbered years, the council's recent practice has been simply to reconfirm the appointment of members to the same interim committees they served on for the previous year's interim, unless specific changes are made by the council.

The Legislative Council, Legislative Education Study Committee (LESC) and Legislative Finance Committee (LFC) are statutory two-year appointments, and membership remains the same as in 2007.

The following statutory appointments were announced to the council:

Legislative Council: Speaker Lujan and Senator Jennings will serve as co-chairs. Additional voting members are Representatives Foley, King, Martinez, Miera, Stapleton, Taylor and Wallace and Senators Campos, Cisneros, Cravens, Grubestic, Ingle, Rawson and M.S. Sanchez. Advisory members are Representatives Arnold-Jones, Bratton, A. Lujan, Madalena, Park and Wirth and Senators Duran, Garcia, McSorley, Neville, Rainaldi, Smith and Snyder.

Legislative Education Study Committee: Representative Miera will continue to serve as chair, and Senator Nava will continue to serve as vice chair. Additional voting members are Representatives Gonzales, Hall, Stewart, Swisstack and Williams and Senators Asbill, Garcia and Kernan. Advisory members are Representatives Barreras, Begaye, Cote, Espinoza, M.H. Garcia, T.A. Garcia, Hamilton, Heaton, Stapleton, Trujillo and Zanetti and Senators Boitano, Cisneros, Duran, Lovejoy, Papen, Pinto and Sharer.

Legislative Finance Committee: Senator Smith will continue to serve as chair, and Representative Varela will continue to serve as vice chair. Additional voting members are Representatives Bratton, King, Moore, Saavedra, Salazar, Sandoval and Wallace and Senators Beffort, Campos, Cisneros, Griego, Ingle, Papen and Rawson. Designees are Representatives Barreras, Berry, Fox-Young, Gonzales, Heaton, Larrañaga, A. Lujan, Lundstrom, Park, Picraux, Taylor, Vigil and Wirth and Senators Adair, Carraro, Garcia, Harden, Leavell, Lopez, McSorley, Robinson, B. Sanchez, Snyder and Ulibarri.

Capitol Buildings Planning Commission: Speaker Lujan and Arturo Jaramillo, secretary of general services, will serve as co-chairs. Other legislative members include Representative Taylor and Senators Jennings and Ingle. Public members include Stuart Ashman, secretary of cultural affairs; Rhonda Faught, secretary of transportation; James B. Lewis, state treasurer; Patrick Lyons, commissioner of public lands; Katherine B. Miller, secretary of finance and administration; and Arthur W. Pepin, Administrative Office of the Courts.

The following appointments to interim committees were confirmed by the council:

Courts, Corrections and Justice Committee: Representative Park and Senator McSorley will serve as co-chairs. Other voting members are Representatives Anderson, Cervantes, Chasey, Maestas, Rehm, Wirth and Youngberg and Senators Adair, Harden, Leavell, Martinez and Rainaldi. Advisory members are Representatives Barela, Foley, W.K. Martinez, Powdrell-Culbert, Rehm, Stapleton, Stewart, Swisstack and Zanetti and Senators Cravens, Garcia, Grubestic, Kernan, Lopez, Payne, Ryan, M.S. Sanchez and Taylor.

Senator McSorley requested that, in addition to the proposed focus, the Courts, Corrections and Justice Committee be allowed to focus on the Missouri Model proposed by the Children, Youth and Families Department; the new prison in Clayton opening in August; a new DWI program in Springer; the closing of the women's reintegration center by the Corrections Department; and recurring changes in elections procedures. Additionally, the committee would like to have a joint meeting with the Water and Natural Resources Committee on water adjudications.

Economic and Rural Development Committee: Representative Mary Helen Garcia will serve as chair, and Senator Bernadette M. Sanchez will serve as vice chair. Other voting members are Representatives Barreras, Berry, Campos, Chavez, Hamilton and Lundstrom and Senators Duran, Garcia, Griego, Harden, Martinez, Pinto and Sharer. Advisory members are Representatives Cote, Espinoza, Foley, Gray, Heaton, Madalena, Nuñez, Pena, Rodella and Vigil and Senators Ingle, Jennings, Leavell, Neville, Rainaldi, Robinson and Ryan.

The council adopted the proposed focus for the Economic and Rural Development Committee.

Indian Affairs Committee: Representative Madalena and Senator Pinto will serve as co-chairs. Other voting members are Representatives Begaye, Fox-Young, Lundstrom, Pena, Vaughn and Williams and Senators Adair, Duran, Lovejoy, Rodriguez, Ryan and Rainaldi. Advisory members are Representatives Chavez, B. Lujan, Rodella and Salazar and Senators Carraro, Jennings, Martinez, Sharer and Ulibarri.

The council adopted the proposed focus for the Indian Affairs Committee.

Information Technology and Telecommunications Oversight Committee: Senator Smith will serve as chair, and Representative Rodella will serve as vice chair. Other voting members

are Representatives Arnold-Jones, Tripp, Varela, Vigil and Wirth and Senators Adair, Asbill, Lopez and Martinez. Advisory members are Representatives McCoy and Wallace and Senators Boitano, Campos, Cisneros, Cravens, Griego, Ortiz y Pino and Payne.

The council adopted the proposed focus for the committee with the following additions: telecommunication connectivity and privacy issues, particularly related to requesting information that may be private from state agencies.

Investments and Pensions Oversight Committee: Senator Smith will serve as chair, and Representative Heaton will serve as vice chair. Other voting members are Representatives Bratton, Larrañaga, Saavedra, Trujillo and Varela and Senators Carraro, Griego, Leavell and Papen. Advisory members are Representatives Barreras, M. P. Garcia, Lundstrom, Pena, Powdrell-Culbert, Stapleton and Youngberg and Senators Campos, Cisneros, Ingle, Rawson, M.S. Sanchez and Snyder. Advisory public members are Gary Bland, State Investment Council; Robert Gish, Public Employees' Retirement Association; Bob Jacksha, Educational Retirement Board; James Lewis, state treasurer; and Olivia Padilla-Jackson, director, State Board of Finance.

The council adopted the proposed focus. A motion was made to limit the committee to four meetings and one organizational meeting. The motion was seconded and unanimously approved.

Land Grant Committee: Senator Martinez will serve as chair, and Representative Miguel P. Garcia will serve as vice chair. Other voting members are Representatives Bandy, T.A. Garcia, Hall and Rodella and Senators Adair, Carraro, Ortiz y Pino and Taylor. Speaker Lujan is authorized to add a House democrat. Advisory members are Representatives Fox-Young, B. Lujan and Youngberg and Senators Cisneros, Griego, M.S. Sanchez and Sharer.

A motion was made to limit the Land Grant Committee to three meetings and one organizational meeting. The motion was seconded and unanimously approved. The council adopted the proposed work plan and indicated that if the workplan justifies another meeting, the council will consider it.

Interim Legislative Ethics Committee: Representative Salazar and Senator Lopez will serve as co-chairs. Members are Representatives Foley, Hamilton, Maestas, W.K. Martinez, McCoy, Picraux and Youngberg and Senators Campos, Ingle, Neville, Ortiz y Pino, Payne, Rawson and M.S. Sanchez.

Legislative Committee on Compacts: Representative Silva will serve as chair, and Senator Martinez will serve as vice chair. Other voting members are Representatives Larrañaga, Madalena, Salazar, Taylor, Trujillo, Williams and Youngberg and Senators Cisneros, Cravens, Neville, Payne, Smith, Snyder and Taylor. Advisory members are Representatives Begaye, W.K. Martinez and Moore and Senators Duran, Grubestic, Ingle, Kernan, Papen, Rainaldi, Ryan and Ulibarri.

Legislative Health and Human Services Committee: Senator Feldman will continue to serve as chair, and Representative Picraux will continue to serve as vice chair. Other voting members are Representatives Gardner, Gutierrez and Vaughn and Senators Adair, Komadina and Papen. Advisory members are Representatives Begaye, Campos, Espinoza, Foley, M. P. Garcia, Heaton, A. Lujan, Madalena, Martinez, Miera, Sandoval, Steinborn and Stewart and Senators Beffort, Harden, Jennings, Kernan, Lopez, Ortiz y Pino, Rodriguez and Ulibarri.

The council approved the focus with the following suggestions: the committee should conduct a systematic overview of the human services system as it relates to children and look at unfair taxation on some of New Mexico's private practitioners and what keeps them here. Staff and chairs were directed to trim down hearings and avoid duplicate hearings.

Los Alamos National Laboratory Oversight Committee: Representative Gonzales and Senator Griego will serve as co-chairs. Other voting members are Representatives Anderson, Powdrell-Culbert, Rodella and Salazar and Senators Martinez, Payne and Sharer. Advisory members are Speaker Lujan and Representative Wallace and Senators Cisneros, Duran, Garcia and Grubestic.

The council adopted the proposed focus. A motion was made to limit the committee to three meetings and one organizational meeting. The motion was seconded and unanimously approved.

Mortgage Finance Authority Act Oversight Committee: Representative Silva will serve as chair, and Senator Rodriguez will serve as vice chair. Other voting members are Representatives Anderson, Gonzales and Zanetti and Senators Boitano, McSorley and Rawson. Advisory members are Representatives Barreras, Campos and Foley and Senators Griego, Grubestic, Martinez and Snyder.

The council adopted the proposed focus and noted that, because of the additional reviews, the committee may need extended meetings.

New Mexico Finance Authority Oversight Committee: Senator Papen will serve as chair, and Representative Silva will serve as vice chair. Other voting members are Representatives Arnold-Jones, Barela, Berry, Irwin, Lundstrom, Powdrell-Culbert, Saavedra, Tripp and Vigil and Senators Carraro, Harden, Rainaldi, Rodriguez, Snyder and Ulibarri. Advisory members are Representatives Campos, Chavez, Crook, Ezzell, Foley, T.A. Garcia, Gonzales, B. Lujan, W.K. Martinez, Sandoval, Stapleton, Strickler, Taylor and Varela and Senators Asbill, Campos, Cravens, Duran, Garcia, Ingle, Martinez, Neville, Rawson and Taylor.

The council adopted the proposed focus for the committee.

Public School Capital Outlay Oversight Task Force: Representative Miera and Senator Nava will serve as co-chairs. Legislative members are Representatives Larrañaga, B. Lujan, Madalena, W. K. Martinez, Saavedra and Williams and Senators Asbill, Jennings, Leavell,

Lovejoy and Smith. Statutory and public members are Veronica Garcia, secretary of public education; Cecilia Grimes; Leonard Haskie; Anna Lamberson; Kilino Marquez; Elizabeth Marrufo; Katherine B. Miller, secretary of finance and administration; Bud Mulcock; and Norman Suazo. Senator Ingle will serve as an advisory member.

The proposed focus was adopted without objection.

Radioactive and Hazardous Materials Committee: Representative Heaton will serve as chair, and Senator Martinez will serve as vice chair. Other voting members are Representatives Gray, A. Lujan, Trujillo and Wallace and Senators Asbill, Grubestic, Kernan and Leavell. Advisory members are Representatives Anderson, Bratton, Salazar, Steinborn and Wirth and Senators Adair, Payne and Pinto.

The council directed staff to clarify the language in the proposed committee focus to ensure that the committee recognize the bigger issue associated with the resurgence of uranium mining, not just on tribal lands, but in proximity to both tribal lands and culturally protected lands. The focus was adopted as clarified. A motion was made to limit the committee to three meetings and one organizational meeting. The motion was seconded and unanimously approved.

Revenue Stabilization and Tax Policy Committee: Representative Sandoval will serve as chair, and Senator Cisneros will serve as vice chair. Other voting members are Representatives Crook, Gardner, Gonzales, Gray, Hanosh, B. Lujan, Silva and Taylor and Senators Boitano, Cravens, Duran, Jennings, B. Sanchez, Smith, Snyder and Taylor. Designees are Representatives Arnold-Jones, Bratton, Cote, Nuñez, Pena, Rodella, Saavedra, Tripp and Varela and Senators Beffort, Griego, Grubestic, Ingle, Kernan, McSorley, Neville, Rawson, Rodriguez, Ryan and Sharer.

The proposed focus was adopted with the following council additions: review full disclosure of projected property taxes for new home buyers; review county expenditure totals and tax capacity and related issues; encourage the discussion of reduction of enhancements, abolishment of exemptions and conversion of tax credits; review the real estimate of tax liability; and review local government imposition of gross receipts taxes and whether sufficient revenues are being produced.

Tobacco Settlement Revenue and Oversight Committee: Representative Chasey and Senator Garcia will serve as co-chairs. Other voting members are Representatives Picraux and Vaughn and Senator Ryan. Advisory members are Representatives Begaye and Zanetti and Senators Adair, Carraro, Feldman, Grubestic, Lopez and Taylor.

The proposed committee focus was adopted. A motion was made to limit the committee to two meetings and one organizational meeting. The motion was seconded and unanimously approved.

Water and Natural Resources Committee: Representative Nuñez will serve as chair, and

Senator Griego will serve as vice chair. Other voting members are Representatives Bandy, Barela, Begaye, Cervantes, Irwin, Larrañaga, McCoy, Stewart and Tripp and Senators Beffort, Feldman, Garcia, Harden, Nava, Neville and Papen. Advisory members are Representatives Crook, Espinoza, Ezzell, B. Lujan, Madalena, Picraux, Saavedra, Strickler, Wirth and Youngberg and Senators Adair, Asbill, Cisneros, Jennings, Kernan, McSorley, Rawson, Rodriguez and Ryan.

The focus was adopted with the addition of the following: water issues related to the Gila River and Elephant Butte; presentations by the New Mexico Association of Counties on how much water is being used by subdivisions; where water rights will come from; and if local governments will continue to authorize permits. Representative Wallace requested that the committee visit the Valdes Caldera.

Welfare Reform Oversight Committee: Representative Varela will serve as chair, and Senator Lopez will serve as vice chair. Other voting members are Representatives A. Lujan, Salazar, Trujillo, Tyler and Vaughn and Senators Beffort, Duran, Harden, Ortiz y Pino and Pinto. Advisory members are Representatives Cote, Ezzell, Foley, M.P. Garcia, Larrañaga and Sandoval and Senators Neville and Ryan.

It was pointed out that, since the committee sunsets this year, perhaps the committee should focus on whether the issues reviewed by it could be combined with the Legislative Health and Human Services Committee.

The proposed committee focus was adopted. A motion was made to limit the committee to three meetings and one organizational meeting. The motion was seconded and unanimously approved.

Capital Outlay Subcommittee: Speaker Lujan and Senator Jennings will serve as co-chairs. Other voting members are Representatives W. K. Martinez, Moore, Saavedra, Sandoval, Taylor, Wallace and Zanetti and Senators Cisneros, Cravens, Duran, Leavell, Rawson, M.S. Sanchez and Smith. Advisory members are Representatives Arnold-Jones and King and Senators Ingle and Snyder.

A motion was made to allow three subcommittee meetings and one organizational meeting. The motion was seconded and unanimously approved.

Several members requested that the names of legislators who were removed from committees midway through the interim be removed from the attendance list altogether.

Staff was directed to contact legislators who had many absences from committee meetings and ascertain whether they would like to continue as members of those committee.

Possible New Committees

The Legislative Council discussed possible new committees for the 2008 interim. It

specifically reviewed a request by Representative Lundstrom to form a financial institutions oversight committee. This committee would address:

- tax refund anticipation loans;
- car title loans;
- predatory mortgage lending;
- effects of the subprime mortgage lending crisis;
- correcting loopholes in the Payday Loan Act; and
- interest rates, credit and lending practices.

Many of the legislators agreed that it was necessary to address these topics; however, some felt that the proposed committee scope is too broad. Staff was instructed to work with Representative Lundstrom to put together a tighter proposal. The council approved a motion to approve the proposed committee with the stipulation that staff bring back a focused work plan and explore alternative avenues of addressing the issues. Senator Rawson, Senator Cravens and Representative Taylor voted against the motion.

Proposed Legislative Council Meeting Dates

On a motion made, seconded and unanimously approved, the proposed meeting dates for the 2008 interim were approved as submitted.

Proposed meeting dates are as follows:

- Monday, June 23, 2008;
- Monday, July 28, 2008;
- Friday, August 22, 2008;
- Monday, September 22, 2008;
- Friday, November 14, 2008;
- Thursday-Friday, December 18-19, 2008 (orientation for new members); and
- Monday, January 19, 2009.

Committee Protocol/Training

Ms. Tackett requested that the council allow her or one of the assistant directors to make a presentation on committee protocol at each committee's organizational meeting. The council requested that staff clarify policy on how to make sure a quorum is present in order to act on legislation. On a motion made, seconded and unanimously approved, the committee protocol training was approved.

Status of Capitol Parking Structure

Ms. Tackett presented the committee with a drawing of the new parking structure, which has been lowered one level underground. She said that the structure would provide 580 parking spaces at a cost of \$15 million. The land and building will be transferred to the legislature upon completion. The structure will provide parking for legislative staff during session and public parking, as well as parking for local businesses.

Staff Reports

Ms. Tackett discussed a minor change to the quorum policy to allow those members who are attending one of the four additional meetings outside of their regular interim committee meetings to be counted for purposes of reimbursement of per diem and mileage.

In addition, Ms. Tackett also presented the harassment policy with changed language. She noted that the policy covers all staff, including session staff, and that session staff complaints would be taken to either of the chief clerks' offices. By a motion made, seconded and unanimously approved, the policies were adopted.

The Legislative Council reviewed resumes for new Capitol Art Foundation members and approved the appointments of Virginia Dodier, Janette Jones and Nancy A. Meyers to the board. Ms. Tackett said that Capitol Art Foundation members had requested to be paid per diem and mileage when traveling for meetings. On a motion made, seconded and unanimously approved, the mileage and per diem for Capitol Art Foundation members were approved.

Finally, Ms. Tackett addressed the \$55,000 outstanding Funding Formula Study Task Force bill. She said that the LFC and the LESC were expected to transfer funding for the bill, but requested that the council authorize money from the Interim Receipts and Disbursements Fund to pay the bill, if needed. On a motion made, seconded and unanimously approved, the appropriation was authorized.

There being no further business, the council adjourned at 1:45 p.m.